

BEFORE THE BOARD OF OIL, GAS AND MINING

FILED

DEPARTMENT OF NATURAL RESOURCES

AUG 25 2016

STATE OF UTAH

SECRETARY, BOARD OF
OIL, GAS & MINING

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF AXIA ENERGY II, LLC. FOR AN ORDER POOLING ALL INTERESTS, INCLUDING THE COMPUSORY POOLING OF CERTAIN NON-CONSENTING OR UNLOCATABLE OWNERS, IN TWO 1,280-ACRE (OR SUBSTANTIAL EQUIVALENT) DRILLING UNITS ESTABLISHED BY THE BOARD'S ORDER IN CAUSE NO. 139-138 IN SECTIONS 29 AND 32, AND 28 AND 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, USM, DUCHESNE COUNTY, UTAH.

**EX PARTE MOTION TO AMEND
PARTIES RECEIVING SERVICE BY
PUBLICATION AND AUTHORIZING
PUBLICATION OF REVISED NOTICE**

Docket No. 2016-017

Cause No. 139-139

Axia Energy II, LLC ("Axia"), by and through its undersigned attorneys, and pursuant to Utah Administrative Code ("U.A.C.") R641-105-300 and R641-106-230, hereby moves the Board of Oil, Gas and Mining (the "Board") for an order authorizing Axia to add the herein identified parties and Estate to the Notice of Opportunity to Lease or Participate in Oil and Gas Well(s) and of Filing of Request for Agency Action and Hearing Thereon ("Notice"), which the Board approved by that certain Order dated August 17, 2016. Specifically, Axia seeks leave to modify the Notice to add the following eight individuals:

John K. Chipman

Jessica Behunin

Charles Behunin

Fawn McNeal

Frank O. Adams

Rhea S. Richens f/k/a Rhea Conrad

Dawn A. Coffee

Blair Wade Walker

(the "Additional Identified Unlocatable Owners") and the following Estate:

a. In the 29/32 DU:

(1) The Estate of Edna White

b. In the 28/33 DU:

[No additional parties]

(the "Additional Estate"; collectively, the Additional Identified Unlocatable Owners and the Additional Estate are "Additional Unlocatable Owners"). Additionally, Axia requests the Board authorize publication of the revised Notice, to include these Additional Unlocatable Owners.

Good cause exists to grant this motion because the Additional Unlocatable Owners have only recently become unlocatable. Neither Axia nor its counsel in this proceeding have been successful in having delivered to the above-referenced parties either an Offer to Lease or Participate or Notice of Request for Agency Action ("RAA"). Accordingly, these Additional Unlocatable Owners now fit within the description of Unlocatable Owners as described in Axia's first *Ex Parte* Motion for Service by Publication. Specifically, each Additional Unlocatable Owner owns a mineral interest in the drilling and spacing units that are the subject of the RAA, as identified in title opinions for the subject drilling and spacing units that were prepared by Utah-licensed attorneys, and Axia has not been able to locate any current contact information for any of them since the address provided is no longer valid.

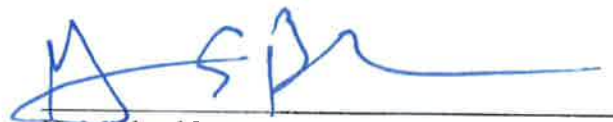
Service of the Request is warranted to ensure that each of the above Additional Unlocatable Owners receives legally sufficient notice of their opportunity to lease and/or

participate in the Subject Well(s), Axia's RAA, and of the Boards upcoming hearing. Axia proposes to add the Additional Unlocatable Owners to the Notice this Board previously approved and to publish the revised notice for two (2) consecutive weeks in the Uintah Basin Standard, a newspaper of general circulation in Duchesne County (the county in which the drilling unit at issue is located) and for two (2) consecutive weeks in the Salt Lake Tribune and Deseret News, newspapers of general state-wide circulation.

For the Board's convenience, a proposed Order granting this Motion is attached as Exhibit A.

Dated this 25th day of August, 2016.

FABIAN VANCOTT



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CERTIFICATE OF MAILING

I hereby certify that on this 25th day of August, 2016, I caused a true and correct copy of the foregoing *Ex Parte* Motion to Amend Parties Receiving Service by Publication and Authorizing Publication of Revised Notice to be served via e-mail to the following:

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4844-8463-2885, v. 1

BEFORE THE BOARD OF OIL, GAS AND MINING

DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF AXIA ENERGY II, LLC. FOR AN ORDER POOLING ALL INTERESTS, INCLUDING THE COMPUSORY POOLING OF CERTAIN NON-CONSENTING OR UNLOCATABLE OWNERS, IN TWO 1,280-ACRE (OR SUBSTANTIAL EQUIVALENT) DRILLING UNITS ESTABLISHED BY THE BOARD'S ORDER IN CAUSE NO. 139-138 IN SECTIONS 29 AND 32, AND 28 AND 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, USM, DUCHESNE COUNTY, UTAH.

EXHIBIT A TO *EX PARTE* MOTION TO AMEND PARTIES RECEIVING SERVICE BY PUBLICATION AND AUTHORIZING PUBLICATION OF REVISED NOTICE

PROPOSED ORDER GRANTING *EX PARTE* MOTION AMENDING PARTIES RECEIVING SERVICE BY PUBLICATION

Docket No. 2016-017

Cause No. 139-139

The Board of Oil, Gas and Mining (the "Board"), having fully considered Axia Energy II, L.L.C.'s *Ex Parte* Motion to Amend Parties Receiving Service by Publication and Authorizing Publication of Revised Notice (the "Motion") filed on August 25, 2016, for good cause showing, the Board orders as follows:

1. The Motion is **GRANTED**.
2. Axia may revise and update the parties to whom the Notice is directed to include the following: (1) John K. Chipman; (2) Jessica Behunin; (3) Charles Behunin; (4) Fawn McNeal; (5) Frank O. Adams; (6) Rhea S. Richens f/k/a Rhea Conrad; (7) Dawn A. Coffee; (8) Blair Wade Walker; and (9) The Estate of Edna White.
3. The revised Notice shall be published by Axia as follows:

- (a) Commencing August 28, 2016, or as soon thereafter as is practicable, for two (2) consecutive weeks in the Salt Lake Tribune and Deseret News; and
- (b) Commencing August 30, 2016, or as soon thereafter as is practicable, for two (2) consecutive weeks in the Uintah basin Standard.

4. All other substantive provisions of the Notice shall be unchanged.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

Dated this ____ day of August, 2016.

**STATE OF UTAH BOARD OF OIL, GAS AND
MINING**

Ruland J. Gill, Jr., Chairman